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November 8, 2024

VIA ECF

The Honorable Arun Subramanian, U.S.D.J.

U.S. District Court for the Southern District of New York

500 Pearl Street

New York, New York 10007

Re: Van Duser et al. v. Tozzer LTD., et al., 1:23-cv-09329 (AS)

Dear Judge Subramanian:

This firm represents the Plaintiffs. With we submit this letter, on behalf of all parties, pursuant to the Court's October 24, 2024 Order.

Today, November 8, counsel and representatives for both parties met in person for more than two hours to discuss the case. During this meeting, the parties agreed that the case would proceed on dual tracks, in earnest: completing all necessary discovery and engaging in settlement discussions.

On settlement, the parties had a robust discussion on the claims and damages. The parties, to that end, have agreed to keep discussing settlement and Plaintiffs will provide a revised demand next week.

On discovery, Defendants made clear they intend to depose the 12 Named Plaintiffs and Plaintiffs confirmed they intend to take three depositions. As to the timing of this, while the parties are mindful of the Court's October 24 Order, we do respectfully request an extra 30 days to complete depositions because Defendants' Fed. R. Civ. P. 30(b)(6) designee will be out of the country the next several weeks due to an unavoidable conflicting medical obligation for cancer treatment. This request, if granted, would result in the following extensions:

- Deadline to complete all discovery be extended from December 26, 2024 to January 27, 2025; and
- Deadline to serve post-discovery summary judgment motions shall be extended from February 18, 2025, with the deadline for answering papers extended from February 13, 2025 to March 20, 2025, and deadline for reply papers extended from February 20, 2025 to March 27, 2025.



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This request will not affect any other dates or deadlines. We appreciate the Court's consideration of this request.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Douglas B. Lipsky
Douglas B. Lipsky

CC: Counsel of Record (Via ECF)

The request for an extension is GRANTED in part. The Court was clear to the parties that no more extensions to the discovery schedule would be granted; however, in light of the extenuating circumstances, the Court will extend discovery one final time. But the briefing schedule will be shortened because of the parties' repeated delays.

The deadline to complete discovery is extended to January 27, 2025. The deadline to serve post-discovery summary judgment motions is extended to February 10, 2025. The deadline for answering papers is February 24, 2025. Replies due March 3, 2025.

SO ORDERED.

A handwritten signature in black ink, appearing to read "A. Subramanian".

Arun Subramanian, U.S.D.J.
Dated: November 12, 2024